



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Martha Guzman Aceves
Regional Administrator

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This recusal statement formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I have ethics obligations with respect to my former employer, the **California Public Utilities Commission**, under the federal ethics regulations at 5 C.F.R. § 2635.502(b)(1)(iv). The Executive Order provides more restrictions than the federal ethics rules, but I am advised by

OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me. The definition of “former employer” excludes state government.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for this entity.

OBLIGATIONS UNDER THE IMPARTIALITY REGULATIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with my former employer, which is a state government commission, as well as with the state and local government boards that I previously served, such as the **Interagency Solar Consumer Protection Task Force**, and the **Lithium Valley Commission**. On December 21, 2021, the EPA’s Alternate Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate as Regional Administrator in particular matters that involve California, but not on the very same specific party matters I worked on personally and substantially while employed with the California Public Utility Commission. See attached impartiality determination.

DIRECTIVE AND CONCLUSION

To ensure that I do not participate matters from which I am recused, please direct them to the attention of **Deborah Jordan, Deputy Regional Administrator**, without my knowledge or involvement. Do not send or copy me on substantive emails, request that I attend meetings or participate in any discussions, make recommendations, or otherwise make decisions regarding a particular matter covered by my recusal. Official actions on such matters should be made without my recommendation, knowledge, or involvement. Any inquiries regarding the extent of my recusals should be directed to OGC/Ethics or regional ethics counsel.

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my circumstances, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

Attachment

cc: Janet McCabe, Deputy Administrator
Dan Utech, Chief of Staff
Deborah Jordan, Deputy Regional Administrator
Gretchen Busterud, Acting Regional Counsel
Jim Payne, Designated Agency Ethics Official
Steven Jawgiel, Regional Ethics Counsel
Beatrice Wong, Regional Ethics Counsel
Justina Fugh, Director, Ethics Office

¹ See Exec. Order 13989, Section 2(k), which provides that “‘former employer’ does not include...State or local government.”